

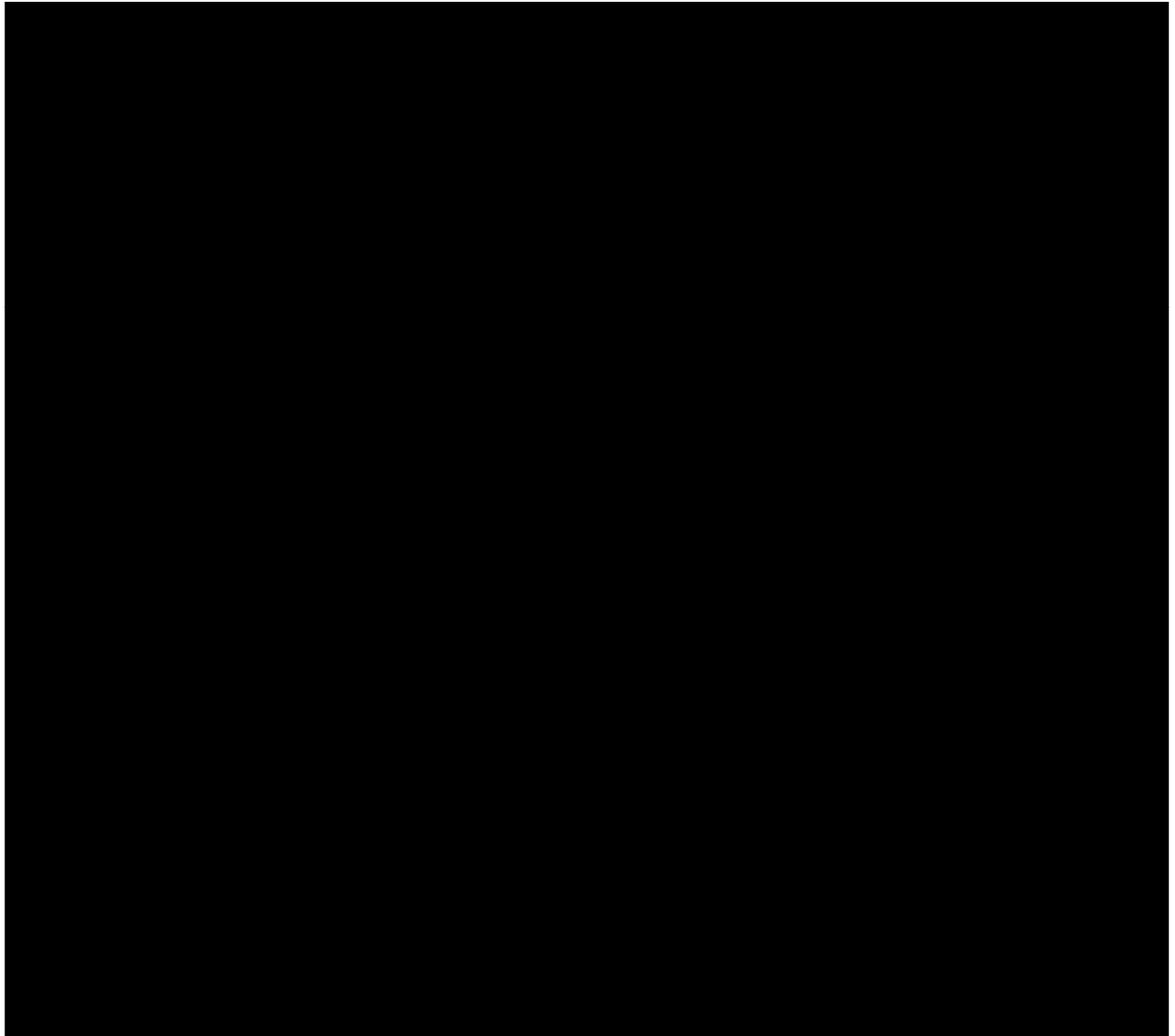
To: Lavery, Tom[Lavery.Tom@epa.gov]
From: Eby, Louis
Sent: Tue 3/24/2015 7:03:51 PM
Subject: FW: Public Justice meeting request re WV coal mining issues

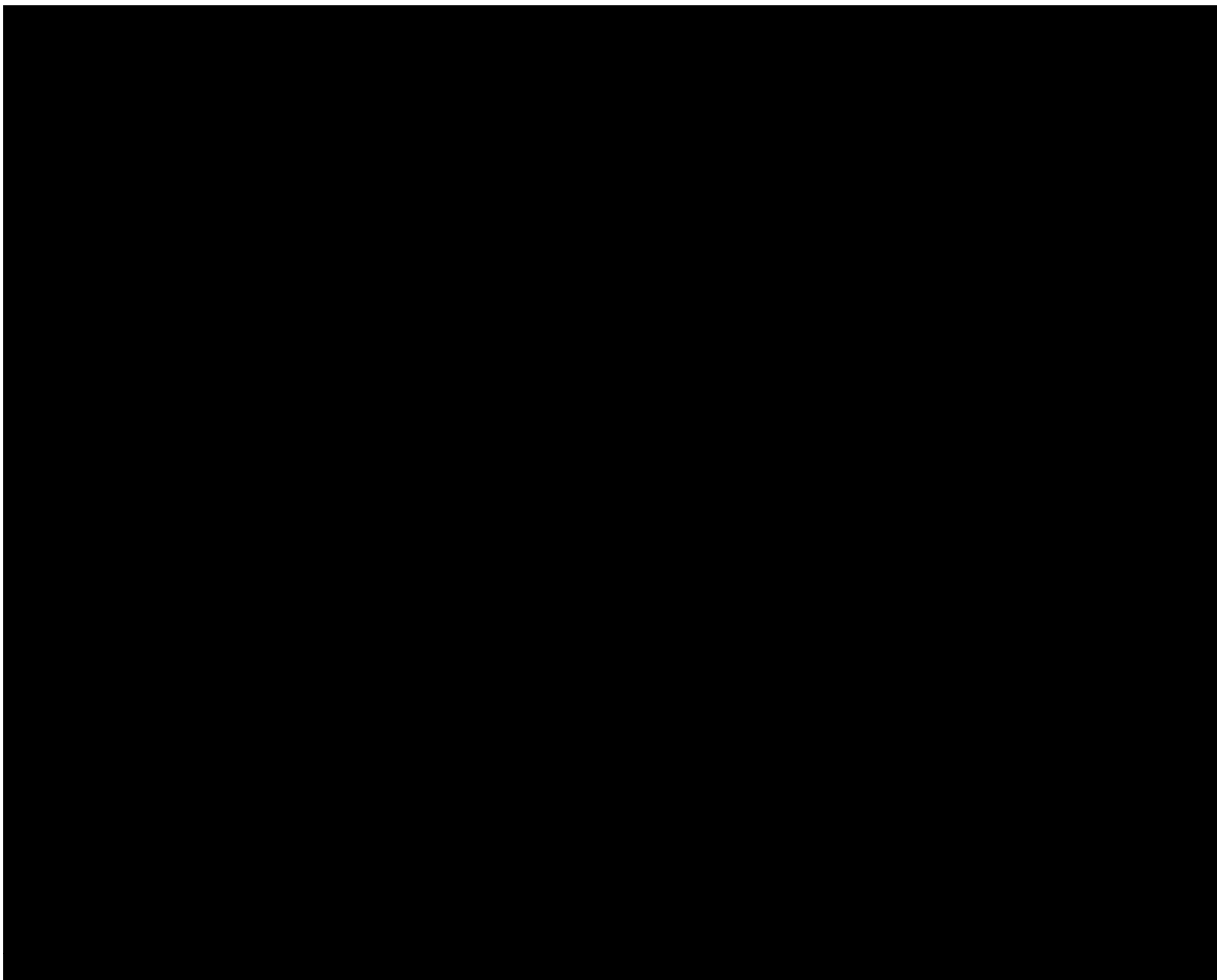
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From: Rivera, Nina
Sent: Tuesday, March 24, 2015 1:39 PM
To: Eby, Louis
Subject: FW: Public Justice meeting request re WV coal mining issues

fyi

From: Shamet, Stefania
Sent: Tuesday, March 24, 2015 9:41 AM
To: Rivera, Nina; Schroer, Lee; Horwitz, Sylvia
Cc: Srinivasan, Gautam; Messier, Dawn; Curtin, James
Subject: Re: Public Justice meeting request re WV coal mining issues





Sylvia asked earlier if these had previously been submitted to EPA for approval. The answer is "no." Last winter (December 2013-ish), WVDEP submitted a regulation (SB 243, enacted in 2013) intended to implement SB615 (and 402(k)). That regulation was not the same as the above.


Senate Bill 243 made two substantive changes to 47 C.S.R. 30. First, 47 C.S.R. 30 §3.4.a. is revised as follows (new language underlined):

"Except for any toxic effluent standards and prohibitions imposed under CWA Section 307 for toxic pollutants injurious to human health, compliance with a permit during its term constitutes compliance, for purposes of enforcement with CWA Sections 301, 302, 306, 307, 318, 403, and 405 and Article 11. However, a permit may be modified, reissued or revoked during its term for cause as set forth in Section 8 of this rule."

Second, it amended 47 C.S.R. 30 § 5.1.f. as follows:

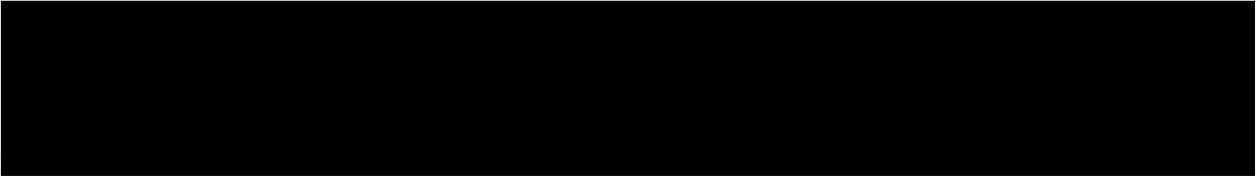
"The discharge or discharges covered by a WV/NPDES permit are to be of such quality so as not to cause violation of applicable water quality standards promulgated by 47

C.S.R. 2. Further, any activities covered under a WV/NPDES permit shall not lead to pollution of the groundwater of the State as a result of the disposal or discharge of such wastes covered herein. However, as provided by subdivision 3.4.a. of this rule, except for any toxic effluent standards and prohibitions imposed under CWA Section 307 for toxic pollutants injurious to human health, compliance with a permit during its term constitutes compliance for purposes of enforcement with CWA Sections 301, 302, 306, 307, 318, 403, and 405 and Article 11."



Talk to you all this afternoon.

From: Rivera, Nina
Sent: Tuesday, March 24, 2015 8:53 AM
To: Schroer, Lee; Horwitz, Sylvia
Cc: Srinivasan, Gautam; Messier, Dawn; Curtin, James; Shamet, Stefania
Subject: RE: Public Justice meeting request re WV coal mining issues



5.1.f. The discharge or discharges covered by a WV/NPDES permit are to be of such quality as not to cause violation of applicable water quality standards promulgated by 47 C.S.R. activities covered under a WV/NPDES permit shall not lead to pollution of the groundwater as a result of the disposal or discharge of such wastes covered herein. However, subdivision 3.4.a. of this rule, except for any toxic effluent standards and prohibitions imposed under CWA Section 307 for toxic pollutants injurious to human health, compliance with a permit during its term constitutes compliance for purposes of enforcement with CWA Sections 301, 302, 306, 307, 318, 403, and 405 and Article 11.

From: Schroer, Lee
Sent: Tuesday, March 24, 2015 8:29 AM
To: Horwitz, Sylvia
Cc: Srinivasan, Gautam; Messier, Dawn; Curtin, James; Shamet, Stefania; Rivera, Nina
Subject: RE: Public Justice meeting request re WV coal mining issues

Are there specific key pages in the Rule 47 CSR 30 and SB 357 documents that we should review for our

1pm meeting? They are both over 60 pages long. Any roadmap would be helpful. Thanks.

Lee C. Schroer

Office of General Counsel (Mail Code 2355A)

Room 7518C William Jefferson Clinton Bldg North

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

Tel: 202-564-5476

-----Original Appointment-----

From: Horwitz, Sylvia

Sent: Monday, March 23, 2015 11:50 AM

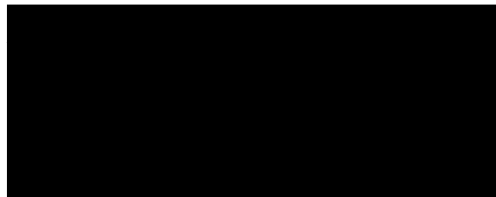
To: Srinivasan, Gautam; Schroer, Lee; Messier, Dawn; Curtin, James; Shamet, Stefania; Rivera, Nina

Subject: Public Justice meeting request re WV coal mining issues

When: Tuesday, March 24, 2015 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: 7428 WJC North-OGC

Call-n number for regional participants:



HQ participants – please come to the conference room.

To discuss issues relating to WV's NPDES permit program and the effect of recently passed legislation. We need to

∇ Prepare Avi for a meeting with NGO representatives who signed the attached letter

∇ Recommend others in addition to OGC who should attend the meeting

<< File: PublicJusticeMeeting Request.pdf >> << File: HB2283 SUB ENR PRINTED highlighted text.pdf >> << File: Rule 47 CSR 30 submitted 7-25-14.pdf >> << File: SB 357 enrolled highlighted text.pdf >>